

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND  
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.  
*See* Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24

FILED BY CLERK  
NOV 22 2010  
COURT OF APPEALS  
DIVISION TWO

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO

|                       |   |                            |
|-----------------------|---|----------------------------|
| THE STATE OF ARIZONA, | ) | 2 CA-CR 2010-0006          |
|                       | ) | DEPARTMENT A               |
| Appellee,             | ) |                            |
|                       | ) | <u>MEMORANDUM DECISION</u> |
| v.                    | ) | Not for Publication        |
|                       | ) | Rule 111, Rules of         |
| RICHARD LIN GARRISON, | ) | the Supreme Court          |
|                       | ) |                            |
| Appellant.            | ) |                            |
| _____                 | ) |                            |

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR051322

Honorable Richard S. Fields, Judge  
Honorable Leslie Miller, Judge

AFFIRMED

Emily Danies

Tucson  
Attorney for Appellant

H O W A R D, Chief Judge.

¶1 In March 1996, an eight-member jury found appellant Richard Garrison guilty of aggravated assault, a dangerous-nature offense. Garrison had absconded before trial but surrendered in 2009 after being served with a warrant in Virginia. The trial court sentenced him to a five-year, mitigated prison term.

¶2 Counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), avowing she has reviewed the entire record and found no arguably meritorious issues to raise on appeal. Consistent with *Clark*, she has provided “a detailed factual and procedural history of the case with citations to the record,” 196 Ariz. 530, ¶ 32, 2 P.3d at 97, and asks this court to search the record for fundamental error. Based on counsel’s recitation and the record itself, the evidence established that F. and Garrison were in their vehicles and had engaged in a verbal altercation when Garrison pointed a handgun at F., from a distance of two- to four-feet away, and said, “What do you think about this[?]” or similar words.

¶3 We conclude substantial evidence supported findings of all the elements necessary for Garrison’s convictions. See A.R.S. §§ 13-704(A),<sup>1</sup> 13-1203(A)(2), 13-1204(A)(2). In addition, Garrison’s sentences were within the range authorized and were

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<sup>1</sup>The Arizona criminal sentencing code has been renumbered, effective “from and after December 31, 2008.” See 2008 Ariz. Sess. Laws, ch. 301, §§ 1-120. For ease of reference and because no changes in the statutes are material to the issues in this case, see *id.* § 119, we refer in this decision to the current section numbers rather than those in effect when Garrison committed this offense.

imposed in a lawful manner. *See* § 13-704(A). In our examination of the record pursuant to *Anders*, we have found no fundamental or reversible error and no arguable issue warranting further appellate review. *See* 386 U.S. at 744. Accordingly, we affirm Garrison's conviction and sentence.

/s/ Joseph W. Howard  
JOSEPH W. HOWARD, Chief Judge

CONCURRING:

/s/ J. William Brammer, Jr.  
J. WILLIAM BRAMMER, JR., Presiding Judge

/s/ Philip G. Espinosa  
PHILIP G. ESPINOSA, Judge